

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

MCI Metro Access Transmission Services, LLC  
(U 5253 C),

Complainant,

vs.

Pacific Bell Telephone Company (U 1001 C),

Defendant.

(ECP)

Case 03-07-020

(Filed July 14, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON EXPEDITED COMPLAINT**

On July 14, 2003, MCI Metro Access Transmission Services LLC (MCI) filed the above-titled proceeding pursuant to Decision (D.) 95-12-056.<sup>1</sup> Concurrently, it filed a motion for an order shortening the time for answer from 20 days from service of the complaint to 10 working days from the date the matter was filed.<sup>2</sup>

On July 21, 2003, MCI and the defendant, Pacific Bell Telephone Company (hereafter SBC California), jointly called the undersigned Administrative Law

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<sup>1</sup> D.95-12-056 set forth a "streamlined process" to resolve disputes arising out of interconnection agreements. For the most part, the process operates under the timing and procedural guidelines of Resolution ALJ-163's Expedited Complaint Procedure.

<sup>2</sup> July 28, 2003.

Judge (ALJ) and requested leave for SBC California to file its answer on August 1, 2003. The parties' request was granted.

While the Commission contemplated in D.95-12-056 that the second step of the process, ALJ mediation, would occur as a result of a motion filed in the Local Competition docket (Rulemaking 95-05-043/Investigation 95-05-044), time and experience has suggested that filing the request for mediation at the same time as the expedited complaint, as MCI has done here, is a pragmatic approach. Sorting interconnection disputes through the Local Competition proceeding is no longer a timesaving approach, because the number and complexity of issues generated in and directed to the docket has increased significantly over the last eight years. Moreover, the Local Competition docket will not remain open indefinitely, so its designation as the initial stop in the interconnection dispute resolution process was never intended to be permanent.

Where the request for mediation and complaint are filed in tandem, as is the present case, the defendant will have 20 days from the date of the Docket Office's Instructions to Answer to respond to the complaint. Appended to the Instructions is a Hearing Notice setting forth the date of the evidentiary hearing on the matter.<sup>3</sup>

Under this format, if MCI and SBC California wish to have the Commission appoint a mediator to this case, they shall so advise the undersigned ALJ by August 4, 2003. Any mediation envisioned should be completed by the end of August.

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<sup>3</sup> The hearing for this proceeding is scheduled for September 15, 2003, at 10:00 a.m., in the Commission Courtroom in San Francisco.

In anticipation of the evidentiary hearing, prehearing statements or concurrent direct testimony should be filed no later than September 5, 2003. A telephonic prehearing conference shall take place on August 15, 2003, at 10:00 a.m., in order to discuss the status and details of moving forward towards hearing.

Accordingly, **IT IS RULED** that:

1. SBC California shall submit its answer to Case 03-07-020 on August 1, 2003.
2. MCI Metro Access Transmission Services, LLC (MCI) and SBC California shall advise the undersigned Administrative Law Judge by August 4, 2003, whether they wish the Commission to appoint a mediator to this matter.
3. A telephonic prehearing conference shall take place on August 15, 2003, at 10:00 a.m., in order to discuss the status of this proceeding and the details of moving forward towards hearing.
4. Evidentiary Hearing for this matter is scheduled for September 15, 2003, at 10:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

Dated July 30, 2003, at San Francisco, California.

/s/ JACQUELINE A. REED

Jacqueline A. Reed  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Expedited Complaint on all parties of record in this proceeding or their attorneys of record.

Dated July 30, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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